

VZCZCXRO7431  
PP RUEHCD RUEHGD RUEHHO RUEHMC RUEHNG RUEHNL RUEHRD RUEHRS RUEHTM  
DE RUEHME #3658/01 3632008  
ZNR UUUUU ZZH  
P 292008Z DEC 09  
FM AMEMBASSY MEXICO  
TO RUEHC/SECSTATE WASHDC PRIORITY 9592  
INFO RUEHXC/ALL US CONSULATES IN MEXICO COLLECTIVE  
RUEHGV/USMISSION GENEVA 1181  
RUEAIIA/CIA WASHINGTON DC  
RUCNDT/USMISSION USUN NEW YORK 0388  
RHEFDIA/DIA WASHINGTON DC  
RUEHME/AMEMBASSY MEXICO 0052  
RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC  
RUEHME/USDAO MEXICO CITY MX  
RHMFISS/HQS USNORTHCOM

UNCLAS SECTION 01 OF 04 MEXICO 003658

SENSITIVE  
SIPDIS

E.O. 12958: N/A  
TAGS: [PREL](#) [PGOV](#) [PHUM](#) [PINR](#) [UN](#) [MX](#)  
SUBJECT: MEXICO PROVES A DANGEROUS PLACE FOR  
JOURNALISTS

¶1. (SBU) Summary: NGOs and media outlets report a significant increase in threats and attacks against journalists over the last two years. While in 2007 only five deaths were reported, six journalists were killed in 2008 and twelve in 2009 according to the Social Communication National Center (CENCOS). Earlier this year the National Human Rights Commission (CNDH) issued seven recommendations to the Mexican government that speak broadly to steps it should take to more effectively investigate and prosecute crimes against journalists. In addition, a group of Mexican journalists have formed an advocacy group in response to attacks on reporters. The NGO community blames a lack of political will for the failure to resolve many of the outstanding cases of violence. The Mexican Attorney General's Office (PGR) hopes that changes in the law giving federal officials expanded investigatory authorities will produce greater success in prosecuting the guilty parties. End Summary.

#### Debating the Numbers

¶2. (SBU) The NGO community, CNDH, and the Attorney General's Special Prosecutor for Crimes against Journalists (FEADP) each apply differing standards of what defines a journalist and thus offer competing statistics on the number of journalists killed. Whereas the NGO community and CNDH apply a more expansive standard that extends to freelance journalists and non-mainstream writers, FEADP only defines an individual as a journalist if she/he is registered with a media outlet, effectively disqualifying journalists working without a formal employment contract or credentials. This distinction has significant implications since FEADP only takes cases in which the following four conditions are met: the crime was committed against a journalist as described under the law, the journalist was targeted because of his profession, the individual committing the crime did so in his official capacity, and the crime is aailable offense.

¶3. (SBU) According to the NGO community and CNDH, twelve journalists have been killed this year: three in Durango, three in Guerrero, one in Veracruz, one in Chihuahua, one in Michoacan,

one in Jalisco, one in Sinaloa, and one in Quintana Roo. The media and NGO community also reported more than 200 acts of aggression against journalists, ranging from threats and intimidation to acts of violence including murder. Several NGOs maintain that state agents, particularly local government officials and the police, are the main perpetrators of violence against journalists. FEADP, on the other hand, registered nine deaths through October of this year, but ruled that only two of the cases fall within its jurisdiction. Furthermore, FEADP called into question whether any of the victims were killed because of their work as journalists.

#### The NGO Perspective

14. (SBU) Poloff met with Brisa Solis from the Social Communication National Center (CENCOS), an NGO that advocates for freedom of speech. Solis described FEADP as ineffective. She attributed the Prosecutor's failure to prosecute aggressors to a lack of political will. Solis said that CENCOS had requested a representative from the Organization of American States (OAS) come to Mexico in order to look into concerns about violence against journalists but that GOM authorities had not supported such a visit. CENCOS has reported that journalists do not receive enough training or support from their

MEXICO 00003658 002 OF 004

employers to address the security threats they face. As an example, CENCOS cited the case of Armando Rodriguez, murdered in November 2008, who prior to his killing had requested he be relieved of his responsibility for covering security and corruption cases. His supervisors ignored his request and instructed him to continue reporting on these issues.

15. (SBU) Poloff also met with representatives of Article 19, another human rights NGO that focuses on the defense and promotion of freedom of expression and freedom of information worldwide. Article 19 and CENCOS have documented 217 acts of aggression against journalists from January through September 2009 compared to 228 in 2008 and 89 in 2007. Article 19 reiterated a concern articulated by CENCOS suggesting journalists need to demonstrate greater solidarity to confront the problem of violence. Article 19 attributed the lack of unity to the intrinsic competitiveness among media outlets and the fact that journalists, as a whole, often lack credibility even with each other. Like CENCOS, Article 19 argued that the primary perpetrators of crimes against journalists were government officials and not organized crime groups.

#### Pending Legislation

16. (SBU) For the past few years, Article 19 has worked with the Mexican Congress to federalize crimes against freedom of expression. The Mexican Chamber of Deputies approved a draft bill in April 2009 that would include crimes against journalists in the federal penal code and would extend the definition of journalists to include non-mainstream writers, members of independent media in addition to freelance and mainstream journalists. The Mexican Senate is expected to review the law during the next legislative session beginning early next year.

## The CNDH Foists Blame on PGR

17. (SBU) Poloff met with Mauricio Farah, the former Director of the CNDH's unit that investigates crimes related to trafficking in persons, journalists and migrants. Farah maintained that authorities were doing nothing to address threats against journalists. Farah believed that the increase in violence was prompting the media to censor itself. He reported that his office was seeing an increase in complaints involving anonymous threats, disappearances, aggression against journalists and media facilities, as well as homicides. CNDH attributed FEADP's failings to its present lack of authority to investigate crimes against freedom of expression in cases not involving federal offenses as described by the law.

18. (SBU) During a CNDH press conference centered on concerns about violence against journalists, Farah and former CNDH President Jose Luis Soberanes Fernandez, presented seven recommendations to all of the governors of Mexico's states as well as Mexico City's mayor, and Mexico's Attorney General. The recommendations included calls to end impunity; make journalists a protected class and ensure that the bodies responsible for investigating and prosecuting cases involving violence against journalists take these cases seriously; sanction authorities that defraud the justice system or are negligent in their investigation or prosecution of cases; guarantee the safety and support of journalists that cover high-risk and sensitive issues; give victims of violence the right to reparations; and review the efficacy and level of competence of the different

MEXICO 00003658 003 OF 004

agencies handling these issues and the mechanisms they have in place.

## FEADP Takes a Stand

19. (SBU) Poloff met with the Director of the FEADP Ethel Riquelme who was quick to renounce many of the statements made by both the NGO community and the CNDH. Riquelme conceded FEADP's jurisdiction is limited and conveyed his hope that the pending legislation will give it the authority to address more cases around the country. When asked about the increase in violence against journalists, Riquelme identified organized crime groups as the principal culprits. Riquelme offered several explanations why his office does not pursue more cases involving violence against journalists. First, he remarked that many journalists drop charges before an investigation can even primarily because the aggressors either apologize or provide the victim with some form of compensation. Without the victim's expressed consent, FEADP cannot commence or continue investigating a case. Echoing CENCOS' point, Riquelme maintained that media outlets needed to do more to provide its employees with appropriate training and support. He noted, for example, that Mexican journalists often lack standard credentials, rules of ethics, employment contracts, insurance, and guidance regarding safety and security concerns. He insisted FEADP was making a genuine effort to meet with university journalism students to better inform them of the challenges they will

face in their careers and the demands they should make of their employers to help address the inherent risks of their work.

10 (SBU) Riquelme conceded his office needed to improve its working relationship with CNDH. Although the two sides meet on a weekly basis to share information, Riquelme accused CNDH of holding back information it could use. For example, Riquelme said that his office had waited several months to obtain statistics from CNDH on complaints it had received in connection to violence against journalists. As far as CNDH's recommendations were concerned, Riquelme remarked that his office was looking at them more closely but described them generally as rather vague.

#### Journalists Take a Stand

¶11. (SBU) In response to the high levels of violence, journalists have formed a group called the Reporters' National Front in Defense of Freedom of Expression. Announced on December 10 by journalists from several Mexico City and Puebla newspapers and two magazines, the group said that it will create a system for journalists to report attacks and will work to defend reporters and offer them legal advice. It also plans publicity campaigns to promote appreciation for the work journalists do.

¶12. (SBU) Comment: Critics argue that Mexican authorities consistently fail to investigate properly cases involving violence against journalists, and have yet to punish any identified aggressors. The NGO community maintains that journalists, particularly in outlying local communities, are often targeted in retaliation for critical reporting on corruption or drug trafficking cases. Representatives from the NGO community, CNDH, and the FEADP agree on the need for the Mexican Congress to expand the criteria that define journalists and more broadly federalize crimes against freedom of expression. Until authorities on either the local or federal

MEXICO 00003658 004 OF 004

level, however, more effectively prosecute and convict those responsible, impunity will prevail, contributing to concerns about self-censorship in local communities. End Comment.

Visit Mexico City's Classified Web Site at <http://www.state.sgov.gov/p/wha/mexicocity> and the North American Partnership Blog at <http://www.intelink.gov/communities/state/nap/>

PASCUAL